

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, May 15, 2007

MEMBERS

PRESENT: Appleby, Bonilla-Baker, Funk, Mikesell, Ritter, Simpson, Soderberg and Yarnevich

MEMBERS

ABSENT: Schneider

STAFF

PRESENT: Andrew, Asche, Burger, Herrs, Place and Williams

Item #1. Approval of the minutes of the regular meeting held on May 1, 2007.

The minutes of the May 1, 2007 meeting were approved as presented.

Item #2. Application #PDD93-6D, filed by Roger Siemsen and Tim Howison, requesting an amendment of the Golden Eagle Estates Addition PDD to convert an area set aside for cluster townhomes with a private street and common area to nine (9) individually owned platted lots for townhomes on a public street. The subject property is legally described at Lot 3, Block 2 in Golden Eagle Estates Addition No. 2 to the City of Salina, Saline County, Kansas and located on the north side of unbuilt Eaglecrest Avenue north of the Eaglecrest Retirement Community at 1501 E. Magnolia Road. Continued from the May 1, 2007 meeting.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked any questions of Dean or others members of the staff?

Mrs. Soderberg asked would you address the issue of the landscape buffer?

Mr. Andrew stated the concept I think at the time we looked at that in 1999 was to insure there would be a transition between the townhome area and the single-family homes. But the concept was that there would be some type of planting area or buffer strip essentially in this area here. That was with the idea that you would have perhaps more room in there than what is anticipated here as well as the fact that they would probably be more tightly packed together or clustered and it would lend itself because of the difference in the type of construction to a buffer strip. We looked at this plan and we looked at the need to reduce the rear yards and particularly that we might need to do something in the rear yards for drainage and it did not seem realistic to maintain that. What they are requesting, and what we would normally do is measure the setback from the center of the street or the property line and whichever resulted in a greater setback would apply. If you did that in this case you would have a 30 ft. setback but they want to maintain a 25 ft. setback and they also need 20 ft. at the rear. That is because as you get to the north you have to account for the cul-de-sac turnaround. It gets rather tight there. So we think that landscaping should not take precedence over having a functional rear yard drainage system. If we would do a concrete flume or ribbon or something it would not be compatible with landscaping.

Mrs. Bonilla-Baker asked is this like a homeowner's association where people pay their dues to live in this community?

Mr. Andrew stated it will not be. That's what the original concept was. What they're talking about here is that this person will own this half, this person will own this half and they will maintain their own yards, do whatever level of landscaping, play equipment or whatever they would want to do on their half.

Mrs. Bonilla-Baker asked so the City will be involved with the maintenance of the roads?

Mr. Andrew stated we will own and maintain that road after it is completed. It will be a regular public street. We don't have a private street and we don't have any common area. The most recent example of this is across the street on the south side of Magnolia in the Eastview Estates Addition. There are a number of townhomes that have gone up there in this fashion.

Mrs. Soderberg asked so Building #1 and Building #5 with this proposed setback will actually be closer to their backyard neighbors than they would be otherwise?

Mr. Andrew stated the minimum base zoning setback in R-2 and R-1 is 25 ft. Those units were identified as needing to be 20 ft. to be accommodated. It seemed like the most reasonable thing would be to make that a 20 ft. rear setback all the way around. Some of them will certainly be greater than 20 ft. But yes, those buildings would be closer to the property line than the regular zoning would allow if it was not a PDD.

Mrs. Soderberg asked so I'm just wondering about the landscape buffer if it's more valuable in that situation?

Mr. Andrew stated it becomes an issue of space. I don't think if we're going to try to get a system that collects drainage here and gets it out to here that we're going to be able to put much of a buffer in there as far as plantings. But I do believe that things like fencing or privacy fences or things like that will be important. Mr. Howison, the developer, would be more familiar than I, but my recollection is that a large number of these homes here already have privacy fences on their rear property line. If you do, then the need for a landscape buffer becomes less important because you have the fence.

Mr. Simpson asked any other questions or comments at this point? Would the applicant or representative care to address the Commission?

Tim Howison, 1212 Meyer Drive, stated I am one of the developers for the overall area as well as being involved in this project with Roger Siemsen and his wife. Dean is correct there is a privacy fence going down the west side all the way down there. Because of the odd layout on the west side of this tract it makes it difficult to lay everything in there perfectly uniform. The east side is very easy because it's a pretty straight line down that east side. But the west side gets difficult and that's why we had to make some changes here to make this work. There will be an architectural control committee made up of Roger Siemsen and myself on each and every lot all the way through and that was placed on the development plan to be recorded that we would be the architectural control review on all of these. At this point we plan on building them all out. But nonetheless we would still be in charge in whatever is being approved down there just as I've been in charge of everything that is being built in the entire subdivision. It's turned out pretty well. I think if anyone has driven down through there it looks like a pretty nice housing subdivision. I've looked at every plan that has come through there and sometimes we've had to make some changes and adaptations and this falls underneath the same review regardless of

whether I was involved or not. The drainage is critical after what's happened in the last couple of weeks here in Salina. This area weathered the drainage extremely well. We would like to keep it that way and not create any issues. It is an issue trying to drain from the north end or the top side of that plat down to the south side and to the backyards. So you do need an open area back there to be able to drain the water out. If you drove that today there is privacy fence all the way across the back the north side, west side, the east side, everybody has privacy fence in there. The other thing is, and I'll bring it up, we're going to probably at least once or maybe twice are going to have to have definite survey markers on the front of the street because this is so tight it has got to be perfect and there is no room for error. So once they put our streets in we may have to remark them again because sometimes they grade them up. That's the only way we can maintain everything the way need it. Water meter placement and things like that, turn offs, you have to have that stuff in the right place so you can access your building properly and make it easy to access. I think that's pretty much it. We had a redraw and had to drop 4 units and it laid out a lot better and we're pleased with it.

Mr. Simpson asked any questions of Mr. Howison?

Mrs. Soderberg asked are these two-story structures?

Mr. Howison stated no. Townhomes sell much better if you have everything on the ground floor level and we're leaning towards an over 50 year old group. Not that we won't have younger people.

Mrs. Soberberg stated we call them young.

Mr. Howison stated when you start putting master bedrooms upstairs you're making a mistake on this. Parkwood did that 40 years ago and that was a mistake and we're not going to do that. I'm not saying we're not going to have someone who wouldn't want an upper level but if we did it would have to be within the zoning rules and we're not shooting for any of that. We don't see any need for it.

Mr. Appleby asked will these properties have basements?

Mr. Howison stated some will and some won't. We need the dirt so we're going to have to dig some basements out there in order to use that for fill. But there will be some that will not have basements but we would like to get them elevated a little bit off the ground.

Mr. Funk asked I am wondering about the water table and how high is it?

Mr. Howison stated you are talking to someone who is extremely familiar. I have watched it over the years out there, even back in 1993 the highest the water table got on the calculations we took was 12 ft. from the surface. The ditch out there is 6 ft. deep and it was 6 ft. below. You can go a little ways over and that changes. The closer you get to the ponding areas like the sandpit that would change because that water leaches out. Even with a basement, you probably wouldn't have a basement over 6 ft. deep as far as below ground and 2 ft. elevation out. So we shouldn't have any issues of groundwater like they do on the south side. We have been very fortunate on the north side of Magnolia to not encounter any issues on the groundwater in 17 years. If someone doesn't put a basement in right and something happens you could get a drainage issue and get water in. But they're all supposed to have drain tile. I think that's City code now I believe. We've had it in our covenants since 17 years ago.

Mr. Appleby asked do you have any problem with the limitations on this being recommended by staff?

Mr. Howison stated no. Dean looked it over thoroughly and I went through his calculations. I think he's trying to be as fair as he can and I think it's reasonable. I think he was trying to look and see what would work and what wouldn't. He has been very helpful. The first time we came in here there were some mistakes that he caught and we had to go back to the drawing board and redo it because we missed it and that's when we dropped some units to make it lay out better. It's fine.

Mrs. Soderberg asked how would you feel about tabling this application to allow us to see architectural elevations?

Mr. Howison asked you were talking about the elevation above the ground? I think, if I'm not incorrect, the engineer is still finishing up on some of that stuff. As far as design layout we are pleased with what is there. The elevation is getting more into a engineering issue as far as height above the ground if that's what you're talking about. Are you talking about frontals on the buildings? We'd like to custom build some of these. If we had a person come to us, I've had it happen in the last five years, there has been a couple of pretty prominent people on the Hill that wanted to build some very nice townhomes down here, I would hate to limit this on what we could do outside of what Dean has already established. If they'd want to build a little fancier unit we'd like to be able to accommodate that because I don't think that would hurt the area. We don't want everything looking identical. No offense to Manchester Manor. It sells very well and Vern Weis did an excellent job. But the complaints I have heard is that they're all identical. And the public doesn't always like that and we prefer not to do that. We want them to blend, roof styles and all of that, but we don't want them identical. There will be some that match up but not all of them. I'd rather not them intermix.

Mr. Simpson asked are there any other questions for Mr. Howison? Thank you.

Mr. Howison stated thank you.

Mr. Simpson asked does anyone else wish to address this application?

Mr. Andrew stated I think we did want to point out that this was considered to be a public hearing and we did send letters to property owners that backed up to the site. The fact that we got very little feedback goes to the fact that this has always been planned as a townhome area so there was no surprise. The only real change here is just the concept. I think what we did as a staff is that we looked at two things, making sure that we had lots that would work with the type of footprint that we were talking about, and that's why we had the tabling and the readjustment of the lots because it was a little too tight initially. The other aspect that we didn't really touch on, you can see it, this plan is well laid out because by widening the lots out and having fewer lots we have a better frontage arrangement. We have run into situations before on cul-de-sacs where the frontage at the street is 25-30 ft. and people are having a desire to have 40 ft. driveways in between the property line and the street. So they did adjust these lots and we looked at them carefully. The driveway plan will work. The one thing that Mr. Howison did refer to that will be tight is the way the utilities will be located and you will have water, sewer and gas all in the street area in front of these townhomes and a 50 ft. right-of-way. So the utilities will have to play well together to get everything to mesh in there in the front. We looked this over carefully and we worked closely with their engineer and we think functionally that everything will work. The allowed density was up to 30 units and we're dealing with 20 now, so from a compatibility standpoint the density is not so great and we think it's a good transition between the retirement community and the rest of the subdivision.

Mr. Simpson stated seeing no other issues we'll bring it back to the Commission for discussion and action.

MOTION: Mrs. Yarnevich stated I move we approve Application #PDD93-6D with the four conditions that are mentioned in the staff report.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded that we approve this application. Any further questions or comments? All in favor say "aye", all opposed same sign.

VOTE: Motion carried 8-0.

Item #3. Application #P93-3E, filed by Roger Siemsen and Tim Howison, requesting approval of a replat of Lot 3, Block 2 in Golden Eagle Estates Addition No. 2 to the City of Salina, Saline County, Kansas into nine (9) building lots. Continued from the May 1, 2007 meeting.

Mr. Andrew presented staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of Dean on this application?

Mrs. Yarnevich stated Dean I have a technicality. I named the wrong application in the first motion.

Mr. Andrew asked did you not refer to it as a PDD?

Mrs. Yarnevich stated I named the wrong number for the first one that was approved. I need to change that to #PDD93-6D.

Mr. Andrew stated I think we can just merely direct Laurie to reflect it that way in your motion.

Mr. Funk asked is some of that drainage from those lots way at the north end going to have to come between the lots and into the cul-de-sac and then down the cul-de-sac to Eaglecrest?

Mr. Andrew stated I can tell you what happens now is that there is a break right here in Sherwood and most of this drainage goes out to these lots to Sherwood and some of it comes down here. There is a break here and the rest of it goes that way to the old river oxbow that is off to the northeast there.

Mr. Funk stated I was wondering about this particular lot right there draining into the Katie Court cul-de-sac that is going to be constructed.

Mr. Andrew stated I think we ought to let Mr. Adams address that.

Mr. Funk stated as opposed to running all the backyards together.

Greg Adams, P.O. Box 1332, Junction City, Kansas, Campbell & Johnson Engineers, stated we have not actually surveyed into those backyards. They are fenced in and so forth and we have not done that. We are assuming that they drain into this property so we are allowing for any drainage that comes from any of those surrounding backyards that if they drain into this lot that we are going to provide a way for it to get away. We haven't finalized that and I have met with the Engineering Department here and showed them some different options and they are mulling that over. But I'll get with them and make sure that our design works and to make sure that there is no ponding

and that we won't dam up any water that may be leaving those properties. It should flow just fine.

Mr. Funk stated even the sequence of construction could be important as far as drainage is concerned. Because if you build those last you may have them dammed up by the time you get to Eaglecrest.

Mr. Adams stated it's my hope that we can create swales between the lots. In my opinion that would be the simplest. In order to do that I've got to get the street low enough to accomplish that. And that's the challenge that Dean mentioned, getting the street low enough and having everything drain from the north to the south. There is just not a lot of room to work with but we're going to try to work that out.

Mr. Funk stated and someday Magnolia is going to be curbed and guttered and improved through that area also.

Mr. Adams stated right. This water is going to end up in the Huntington ditch and that is basically our starting point. So we may even have to reset a pipe under Huntington Road there to gain as much elevation as we can. All of that will be taken into account with Engineering whether we do it all under ground along Magnolia. Whatever we do it will be able to be worked into the future improvements.

Mr. Andrew stated I don't know if Mr. Place has an opinion about the construction phasing, about what we're doing, but right now we're building our drainage flumes as part of the street. What we're finding is that if you build the flumes first and then people are going in and constructing homes, we are getting a lot of basement dirt and debris in the flumes. Mr. Place has only had a chance to observe that for a short period. But I think that's one thing that we may look at is the way those flumes are put in and when they're put in before any of the houses are put in sometimes they get obstructed while houses are being built. That's a relatively new concept.

Mr. Simpson asked does anyone else wish to address this application? Seeing none we'll bring it back to the Commission for discussion and action.

Mrs. Soderberg stated I have a question for Mr. Howison about the covenant issue. Do you plan to have covenants?

Mr. Howison stated first of all there is an entire Golden Eagle Estates Subdivision, whether it's this parcel or anything to the north that is platted or going to be platted, has to come back through me. Secondly, the architectural control committee will be the way Roger Siemsen and I will control what is being built here. We're going to have to approve the plans before anything can be built. Since we're planning on building all of them it isn't going to make any difference.

Mrs. Soderberg stated I'm talking about after construction, fencing, roofs, etc.

Mr. Howison stated that would still be covered underneath our original Golden Eagle Estates covenants that we recorded. In other words, this is underneath that. We're not trying to be ridiculous on approval but we don't want barbed wire fences going up out there or something that looks poorly or an outbuilding that isn't going to blend in with the existing building on the lot. Same type of siding and roof is what we're looking for.

Mrs. Soderberg asked Dean is that your understanding then about the covenant issue?

Mr. Andrew stated yes. I've reviewed and I've seen the covenants that apply to the whole subdivision. I think the question that I had in the report and that

I visited with them about is whether they were going to have something that particularly applied to this townhome area since it's a slight change from what was originally done. The same type of architectural review will occur here that has occurred on the other homes.

Mr. Funk asked are you ready Mr. Chairman?

Mr. Simpson stated I am ready when you are.

MOTION: Mr. Funk stated I move we approve Application #P93-3E with the conditions listed on page 7.

SECOND: Mr. Mikesell.

Mr. Simpson stated it's been moved and seconded that we approve this replat. Any further questions or comments? There appear to be none. Those in favor say "aye", all opposed same sign.

VOTE: Motion carried 8-0.

Item #4. Application #PDD88-4H, filed by Dilip Patel, requesting: (1) approval of an amendment of the Country Oak Estates PDD in order to develop only a portion of Lot 3, Block 1 of the Replat of Country Oak Estates Subdivision and (2) approval of a final development plan to allow construction of a 3 story hotel in a PDD (C-5) district. The subject property is legally described as the East 284 ft. of Lot 3, Block 1 in the Replat of the Country Oak Estates.

Mr. Andrew presented an introductory staff report.

Mr. Herrs presented the staff report with visual graphics which is contained in the case file.

Mr. Burger stated we do have a mistake here in that we have the existing (May 1) site plan but not the proposed revisions.

Mr. Herrs continued with the staff report.

Mr. Simpson asked are there any questions of Dustin or the staff?

Mrs. Yarnevich asked what do you mean a break in access for the new access? It already has an access.

Mr. Herrs stated that's a good question. If we can go to the aerial photo John. Marcella Drive when it was platted has restricted access all the way up and down and in order to create a curb cut, even if a curb cut is there, you would have to make a request to receive a break in access. The purpose of that is so that someone can't just come in and build a bunch of curb cuts without the City Commission having control over that situation for driveway separation and safety issues.

Mrs. Yarnevich asked who built that curb cut?

Mr. Andrew stated it gets back to the 1993 survey error. There was a survey error when the curb cut was put in so the restricted access was put in the wrong place and the access opening on the plat doesn't match where it is in the real world. That was a surveying error. So that needs to be rectified.

Mr. Funk asked did you say that was a 30 ft. right-of-way for that access?

Mr. Herrs stated the access easement is at least 30 ft.

Mr. Funk asked is that going to be a private road?

Mr. Herrs stated correct.

Mr. Funk asked what is the width of the pavement on that access road?

Mr. Herrs stated it's going to be 33 ft. from back of curb to back of curb. The actual pavement I believe is being proposed as 30 ft. We're not really clear if there is a curb and gutter system that's being proposed for the driveway or what all is entailed in this access drive.

Mr. Mikesell stated Dustin, Mr. Huehl indicated there is no set plans for the area west of this lot when he was here last time. The certification from the hydraulic engineer that you said the applicant would need to secure, would it take into consideration that there might be townhomes there and that there would have to be water flow capable of serving a fire at both places?

Mr. Herrs stated I would defer to Roger Williams on that.

Roger Williams, Fire Marshal, stated I think going back to the original plan would help and I would like to go back and discuss the area of the proposed Comfort Suites Hotel.

Mr. Andrew asked do we have the site plan John?

Mr. Williams stated when Martha Tasker and I first looked at this plan there were certain things that we took under consideration. One being access to the hydrant. Obviously we have to have good accessibility in order to use that hydrant for fire fighting operations. The second of course would be the domestic water supply that would be fed off of that 6 inch hydrant line. The third part would be the fire sprinkler requirements that would be coming off of that same 6 inch line. So with all of that in consideration we still also had to include our basic fire fighting needs as far as gallons per minute for water supply available at that line. In that process Martha sent the crew out and they evaluated the current flow in that area. The numbers came back with 1951 gallons per minute. Another area that we also look at is the area of static and residual water pressure that is in that area as well. Apparently there was a letter sent by Mr. Joe Heinrich from Bamford Fire Sprinkler regarding the system demand for the fire sprinkler system for the hotel. When I first read through this I was a little bit shocked and after I actually called Joe I tried to find out why the numbers were so low since we're dealing with a 3-story hotel with a fully sprinkled attic. Based on that conversation with Mr. Heinrich it was his understanding that the attic was not going to be sprinkled, that there would be draft stopping proposed inside the actual attic space which would make a tremendous difference. In the letter that Mr. Heinrich sent he identified a 250-300 gallons per minute demand. If the attic space were required to be sprinkled that would change to about 600-700 gallons per minute. Again, the available water supply in that area I believe would be sufficient. The big concern that staff has is the static and residual pressure, being able to get that water through that line to the third story of the structure or even feeding the proposed fire hydrant at the southeast corner. We're dealing with a 6 inch line that is our main feeding line that is going to service this entire area. I worked some quick numbers before the meeting just to give you an idea. Right now we would be looking, if we went with everything as is with the draft stopping and all of that in place, we would have probably have a system demand of 1425 gallons per minute with an available water supply of 1951 gallons per minute. I'm not able to do the calculations on the static and residual pressure because those are hydraulically calculated based on the actual design of the sprinkler system. There was a letter also from an engineer from Smith, Vaughn and Associates who had done a fixture count of

approximately 494 fixture units, which would be like toilets, sinks and those items. He calculated the fixture unit count would equate to approximately 125 gallons per minutes for domestic water use. Again our big concern is if the system will be capable of providing adequate static and residual pressure to feed everything without having the system looped, with just using the line that is in place that Mr. Patel is wanting to do. I think that's something that an engineer would have to calculate. Taking into consideration the needs of the sprinkler system that demand is also the static and residual pressure are the key components in this whole thing. Water is there but I'm not convinced that the static and residual pressure would be adequate to service everything off of that one specific line. If it is hydraulically proven then that's fine. We're willing to accept that.

Mr. Mikesell stated if you hooked up the hydrant next to the hotel during the fire and if in fact there was a townhome, and someone mentioned it, if in fact there was a fire at an adjacent place and we would need to fight both of those, certainly water would need to be sufficient.

Mr. Williams stated that is correct. That's why our proposal is to have that system looped. That way it would be a redundant system. We would have water supply coming in from two different directions to allow for additional fire fighting operations in the area. If we had a severe storm or multiple fires in that area our services would be taxed simply by having just that one line going in. If we did put townhomes in that space we would have a hydrant available that we could connect to just off of Schilling there. Again that line coming off of Schilling is I believe a 12 inch line, a very substantial size line, and that is what Super 8 hotel actually wound up connecting to simply because of the inability at that time for them to tie into this 6 inch line and use it for the Super 8 hotel.

Mr. Funk asked what is the size of the line in Huehl Circle?

Mr. Williams stated I believe that one is also a 6 inch line.

Mr. Funk asked and the one in Marcella you say is either a 16 or 22?

Mr. Williams stated that was on Schilling.

Mr. Funk asked what about the one in Marcella?

Mr. Williams stated I am not for sure on that one.

Mr. Andrew stated I believe it's a 6 inch line on Marcella.

Mr. Williams stated primarily in most of our residential areas you'll see pretty consistently 6 inch water supply lines. You'll have a lot larger lines on arterial streets that could range anywhere from 8 inch to like Santa Fe for example has a 26 inch line that runs down the heart of town. But once we start branching off into those smaller residential areas you will typically see a 6 inch line servicing that area for domestic and fire protection.

Mrs. Soderberg asked because they're splitting this Lot 3 here, which wasn't planned to begin with, the development that occurs on the rest of Lot 3 and the water demand for whatever that is going to be someday isn't a factor for our consideration today? Mr. Patel doesn't need to provide for what's going to happen eventually?

Mr. Andrew stated that is essentially the case, but we're just identifying that if Lot 3 was developed in it's entirety as a hotel site then we'd only be looking at this once. We'd have a solution for a single development. In this case, there is a hydrant here as well and it's hooked on to the same system as this one. The sewer system is the same. We will just be going through

that analysis again when we look at that. The thing I would point out as to why this seems more complicated than maybe some of the stuff on the other side of the interstate, when we looked at the Riffel Addition, the Hampton Inn, Courtyard By Marriott and Popeye's Chicken and all of that, everything was in place and everything was where it was needed to be in terms of water lines, sewer lines, the street and all of that. We don't quite have that here. We have stuff in the vicinity but we don't have the sewer lines, the water line extensions, everything where it needs to be on this side of the interstate like we did on Riffel Drive and on the other side. So that's why this seems a little more complicated and that's why we don't think at this point that the water supply is a site issue. We can work through that as far as the building plans. There is a Plan A which is all fed off one line and there is a Plan B which is to go over to Huehl Circle if we need to. The applicant is willing to go to Plan B if plan A doesn't work.

Mrs. Yarnevich asked if Plan A doesn't work it's going to be dependent on the engineer deciding the static and residual pressure?

Mr. Williams stated that is correct.

Mr. Andrew stated we tried to address that through Condition Number 6 there which basically says that if they can't demonstrate that they can get all the flow they need from one line that they'll have to loop it to Huehl Circle.

Mr. Funk asked there is a line coming off of Schilling to serve Super 8, could that line be extended and tied into this line that we're talking about? Would that help anything?

Mr. Williams stated that is another alternative. That is not what Mr. Patel has proposed. But that is another alternative. Instead of coming down and tying into Huehl Circle they could go back to the north and tie into the new line that the Super 8 hotel is tying into on Schilling Road.

Mr. Mikesell asked how large is that line?

Mr. Williams stated that will also be a 6 inch line that is coming in off of Schilling Road. The one advantage to that would be the fact that the main water supply would be much larger than feeding off of another 6 inch line. That is correct.

Mrs. Yarnevich asked because that is a 16-24 inch line?

Mr. Williams stated that is correct.

Mr. Funk asked the City has the right to do that even though it was installed by Super 8? It's still a public line in public right-of-way?

Mr. Williams stated that I am not sure of. I don't know.

Mr. Andrew stated it's only a public line to just where it comes across the street. It's a private Super 8 line through their parking lot to the building. To pursue that option Mr. Patel would have to reach an agreement with Super 8 not with the City. The Huehl Circle line is within Mr. Patel's control. The partnership with Super 8 would have to be an agreement between him and Super 8 to do that.

Mrs. Soderberg stated I'm bothered by staff's recommendation to approve these two signs. So make me less bothered here.

Mr. Andrew stated it is unusual. It's also unusual because the applicant is involved in that side of things. But I think the important thing here was if we did not have, and we were involved in requiring a sign easement for the

Baymont sign, but what is a little bit awkward in the fact that the Baymont plan was approved by the Planning Commission and City Commission with no pole sign. We as a staff approved the off-premise sign on the vacant lot because there is nothing that prohibited it. We required a sign easement because if Super 8 or somebody had come to this lot and there wasn't a sign easement they could have just kicked the Baymont Inn sign off the property all together. The sign easement allows the sign to stay even if ownership changes. The only justification that I see for that is the fact that the Baymont Inn sign represents a sign that the Baymont Inn property does not have. Just like in the case of Office Max, their frontage is on the frontage road and they didn't want a sign at the front of their store on the frontage road. They wanted it on 9th Street. We said you can have it on 9th Street but that's going to subtract from the signage that's being allowed on whoever develops that parcel which turned out to be Subway. It limited the amount of signage that Subway could have but it didn't seem reasonable to say Subway you can build a store here but because someone before you gave Office Max permission to have their sign there you can't have one.

Mrs. Soderberg asked at the time there was the Baymont sign inspection was there any discussion on what happens when Lot 3 becomes developed and they're going to want a sign? Was there not any discussion about that?

Mr. Andrew stated the decision to have a sign for Baymont on this vacant lot didn't go before any Board or Commission. We issued a sign permit for it. What we did was we required that the owners dedicate a sign easement that specified it's right to be there and to keep it from having to be removed if someone else bought the lot. The sign easement also puts any buyer on notice that it's there.

Mrs. Soderberg asked was there any discussion among staff about how we're going to deal with this when the development comes?

Mr. Andrew stated I suppose we thought it would be addressed similarly to the way it was with Office Max and Subway, although I don't think we realized we would be looking at two 70 ft. signs on the same property.

Mrs. Soderberg asked why does this not become the second example of two signs on a property? You've given us the first example of Office Max and Subway. This counts as the second and now the next proposal?

Mr. Andrew stated if Baymont had a pole sign on their own property, which they have none, then I think that would be more cause for concern. In this circumstance you would just basically be saying that the pole sign that could have been on that property is now on this property and so now we don't have any more pole signs than we would have before. They are just in a different location. The number of signs that we have is not greater, it's just that we have them closer to the interstate than we would have had otherwise. That is the justification for it and the fact that we just don't think it's reasonable to expect a Comfort Suites to develop and not be able to have any sign at all.

Mr. Mikesell asked could the Baymont sign be placed at the Baymont Inn?

Mr. Andrew stated the Planning Commission and City Commission reviewed it before and denied it. I guess the question would be why they would now approve it.

Mr. Mikesell stated I didn't hear that part. They denied the pole sign?

Mr. Andrew stated yes. As Mr. Patel noted, he was not going to be able to get a Baymont hotel to locate there without a pole sign. I think we put the sign elevation in your packet. At the time of that discussion it was noted

that the Baymont Inn had this cupola design that had a Baymont Inn sign that was some 50 ft. high and the Commission that reviewed it at the time felt that that should be sufficient for signage. Whatever contracts that Mr. Patel had with Baymont Inn were not going to allow a franchise there without a pole sign. If anybody were to blame it would be staff because we issued a sign permit for the Baymont sign to be there on Lot 3 not knowing what was going to come in the future. All we did was try to locate it the best we could so it wouldn't interfere with future development and also require a sign easement so that anybody who bought that property in the future knew that sign was there.

Mrs. Soderberg asked what about the development of the rest of Lot 3 and they say they want a third sign because they're now internal?

Mr. Andrew stated that's why it's not particularly good that this is being done this way but you would hope that whoever develops on the rest of Lot 3 is not an interstate oriented business. If there was a request for a third sign we would recommend denial of that request.

Mr. Simpson asked are there any other questions of staff? Mr. Patel would you care to address the Commission on your application?

Dilip Patel, 5707 SW 37th Terrace, Topeka, Kansas, stated I am going to clarify a few things. One is about the fire hydrant and water flow and second is about signage. Everything else looks like everybody understands that. I did propose on the site plan an easement going from the northwest corner of the property going to the south also from the south going east. I also put a fire hydrant here. I will connect to Huehl Circle if necessary. Now the Planning Commission asks can I connect that with the Super 8? I'm going to try that option too. I'm not saying I will not. At least here I'm saying clearly that whatever it takes I'm going to get the water flow and also the pressure up, not only the gallon per minute, but the pressure that's going to be required to take care of the sprinkler system, to feed the building and also so the Fire Department has enough water in case there is a fire. Like we talked about earlier the attic if it's going to be sprinkled. That is going to be part of the building permit and the building plan is going to clearly show the attic will be draft stopped so that sprinklers will not be required and as Mr. Williams said if the attic sprinkling is not required then it cuts down to almost half the size of the fire sprinkler requirement. So whatever it takes to get the water line will be done. I'd rather being going from Schilling connection than going to Huehl Circle for two reasons; Schilling line is a lot bigger in connections and provides a better flow than Huehl Circle and it is more cost effective. I will try my best to go to Huehl Circle if I need to. I do not think there will be too much complication later on to get approval from Super 8 because I know those gentlemen who own that too. I'm not going to say it's here right now. I'm going to take the fire hydrant that the Fire Department requires and I'm showing the easements. The dedication of the easement I already gave it to the Planning Department including all the easements for the west of the property, the south of the property, driveway easement, everything. The only reason we did not put the curbing over here was so we could develop the property over here so we could get access from any point of the property. If the Engineering Department would like to having curbing here I would be happy to do it. I would be glad to put it on since it's how it's going to be drained. We got everything done officially by a professional surveyor including a letter from Country Oak Development that they are willing to sign easements as part of the package. They are willing to do extra easement for the utilities and the water connections. I also gave a legal description of the easements to the Planning Department. So all of those documents are already there. As far as the water line goes, whatever it takes. I want safety more than anybody. So I'm not going to tell the engineer to give me the letter because I have money and financing sitting over there and I want to be safe. So I will not compromise myself as

far as the water line and water pressure goes. But if I do not need to then I do not want to spend it and lose time. I will do whatever it takes. No question on this water line. Second thing about the sign issues. That has been a hard issue for everybody. But like I said last time, if the Baymont sign had not been there then the Baymont would not be there. It would have not been built at that time. When you're spending that much money on new construction and the kind of business it is if you don't have highway visibility that is exposing your business nobody can do business by it sitting back unless you just don't care if it goes bankrupt. That's the reason the Baymont sign was approved through Planning and City Commission when I went through the full process, building elevations, building signage, lighting, facades including signage that is going on the Baymont over here. Now as far as the second sign goes, right now I did propose also on the same drawing showing on it that I am vacating the easement for the existing Baymont sign taking to the southeast of the property and putting the new Baymont sign on the southeast corner of the property. So that is also already been given to the Planning Department, legal descriptions for vacating easement and also the legal description for the same size of the easement on the southeast corner.

Mrs. Yarnevich asked you can move that sign because you own both hotels right?

Mr. Patel stated regardless. Even if someone else did build them it would be no different because you can not put right next to the Comfort Suites building the Baymont sign.

Mrs. Yarnevich asked I guess what I don't understand is why did Baymont Inn buy a lot to build on that didn't have I-135 advertisement?

Mr. Patel stated at that time the Super 8 lot was double the price.

Mrs. Soderberg stated but it was an alternative for having interstate signage.

Mr. Patel stated that is correct. That's why I say the Baymont would not be sitting one block back, if the City Commission and Planning Commission would not have approved the Baymont sign where it is sitting right now. It is essential to have a high rise sign for motel business especially. If you have a restaurant, convenience store or things like that does not require it. A question came out about the west side of the property on Lot 3 if somebody would develop something would it require a higher sign? No. Danny Huehl knows to not have it. He's trying to put limited business over there because of the visibility. I'll be putting a high rise motel in over there to block the view. There are sign restrictions. My question for him was can I have a sign out front? It's not even a question. If he does he has to think before the split. He knows that he has to put something that's going to be low profile, kind of a townhome or apartments that is not going to require that type of signage for that particular location. And if you do request signage it's going to be just local on their area. But as far as easement, water line going towards Marcella Drive, everything has been taken care of as Planning Department required within the certain amount of time. But it is very essential to have a high rise sign for the motel business to attract the business. Because you are getting major business walk-in traffic to your hotel doors by people looking at your sign. Even when Mr. Mikesell said about what if you go back to more of a pole sign for the Baymont location, I would refuse them. Because having a pole sign does not do as good as having a high rise sign because that is what people are going to see coming from both directions. When people take the exit it's not going to matter whether you have a high rise sign or not. Like I said before, I'm not going to do it because I like to have a big sign, those signs cost at least \$60,000 to put it up including installing the pole and signage. But if you don't have a

sign you're not attracting your business. So it is very important to have a sign. So please consider keeping in mind about signage. And also I would like to request to the Planning Commission about one thing I would like to take the restriction off if you can, that is the 700 sq. ft. size limit for the signage. Originally by lot size it was 1,032 sq. ft. allowed in that area. And the only reason I'm saying to not restrict the square feet is down the road if you need to put some arrow sign to Baymont or an LED sign to put advertisement, your rate, it would stop any and everything. So that is all I request to Planning Commission to consider two pole signs with whatever lot allowance is, 1,032 sq. ft. I'm not saying I want to put bigger and bigger signs, that is not my purpose for it. But I just want you to keep it in mind. There is going to be quite a bit of development is going to create jobs and taxes but in order to do that we're going to have attract some business. And like I said last time, I'm not making up something, I paid more taxes than I made money last year. Comfort Suites is going to be the same taxes wise. There are going to be a lot of taxes over there. I'm not saying I'm not in the business to make money. Absolutely I'm in business to make money. But I just need you to understand that signage is needed for a hotel business, especially a high rise sign.

Mrs. Soderberg asked has there been any conversation with staff about the 1,032 sq. ft.?

Mr. Patel stated the staff sent a letter on April 11 saying the total signage on that tract will be limited to 1,032 sq. ft. And that's where it's coming from.

Mrs. Soderberg asked but not the newest one?

Mr. Patel stated not the newest one. Please consider that sign. It is really important. And I cannot stress it enough for the hotel business how important it is to have a high rise sign to get the customer off the highway. We are sitting off of I-135 or even off of I-70 and it is very important to have a sign just like a billboard is important for a small business, a pole sign is very important.

Mr. Mikesell asked how big is the Baymont Inn sign?

Mr. Patel stated the Baymont sign right now is 10 ft. x 25 ft. But if you go on the highway in any direction it is not very visible especially if you're coming from the south going north. Because you're on a divided highway and the distance you can barely see the sign. If I want to put an LED sign underneath the small one it will restrict me.

Mrs. Soderberg asked how big is the Comfort Inn sign going to be?

Mr. Patel stated the Comfort Inn sign I'm already showing that right now as 35 ft. x 12 ft. And I think that is a sufficient size. The Baymont Inn sign is 10 ft. x 25 ft. and it is barely visible right now. You can see it when you're close up but not from the distance. That's the reason I'm requesting more than 700 sq. ft. on that. Not bigger than lot permitting but at least lot permitting area.

Mr. Herrs stated the total square footage of the two 70 ft. signs staff calculates at 694 sq. ft. which we would just brought up to 700 sq. ft. and that's why 700 sq. ft. was proposed. That would take it when completed from 250 sq. ft. which the applicant stated is currently there for the Baymont plus the additional 440 sq. ft. which is proposed for the Comfort Suites.

Mrs. Yarnevich asked does the staff have an objection to having more?

Mr. Andrew stated the idea behind the 700 sq. ft. was to keep it where it is, so you would not have two 70 ft. signs that grew bigger later. One thing that

is somewhat limiting is if you take those two signs plus the wall sign plus the sign that is proposed up in the northwest corner you don't really have much square footage left to have any other signs. The other thing is if you are not limiting it to two on-site signs and you don't have the 700 sq. ft. then there's a possibility of coming back with a request for yet a third sign. The other thing I would point out, which was a little bit of the irony here, is that the Baymont Inn sign that is there now was allowed based on the fact that this parcel had frontage on Marcella Drive. It doesn't have any frontage on Marcella Drive anymore so therefore that frontage doesn't count toward square footage.

Mr. Patel stated please consider this if you can.

Mr. Simpson asked are there any further questions of the staff? Alright thank you Dilip. Does anyone else care to address this application? There appears to be none. We will bring it back to the Commission for discussion and action.

Mrs. Soderberg asked does Mr. Williams have any comments on the issue of the equipment access to the site?

Mr. Williams stated with the new proposed site plan that Mr. Patel submitted for review prior to this meeting today he has done a lot of diligence with providing us with appropriate accessibility to the site now. He has also included, I don't know if you have noticed that on the southwest corner, he also added a limited access fire apparatus lane or road to provide a third means of entrance into the site for the Fire Department as well. I have to say Mr. Patel is definitely a go getter. He will definitely do what he's asked to do.

Mrs. Soderberg stated I have just one other question of Dean. Is it feasible to get some kind of written sign waiver from Mr. Huehl on the rest of Lot 3? Can we keep this from coming back at some point?

Mr. Andrew stated we have done some things like that. We had one case where we had an owner who was asking to cut off his access to his own property in order to allow the TSC store to be built as proposed. We had him sign an acknowledgment saying that he understood that through this action he was cutting off access to his own property and he would have to seek alternative access. That is a possibility that we could get him to acknowledge that his remaining piece does not have I-135 frontage anymore and he wouldn't be able to offer I-135 signage to any future prospect.

Mrs. Soderberg stated I would be willing to explore that in the motion however that can be accomplished.

Mr. Andrew stated just another piece of information that Dustin has calculated, Mr. Patel is requesting that in our recommended Condition #1 where it says 700 sq. ft. in size that simply be deleted. The amount of square footage that we have left that is not already allocated for existing and proposed signs is 64 sq. ft. So if that language is struck then there is a possibility for 64 sq. ft. of additional signage over what is being proposed to you today.

Mrs. Yarnevich asked that is what Mr. Patel is asking for is that additional 64 sq. ft. and no more?

Mr. Simpson stated he was asking for 1,000 sq. ft.

Mr. Andrew stated you have to understand that he is proposing right now 968 sq. ft. of signage. What we are suggesting is if you have two pole signs

on the interstate that they be limited in total to 700 sq. ft. and if you delete that proposal the option is available to increase one or both of those signs by 64 sq. ft. which is not great. I just want to make sure that is understood. That all there is is the difference between what we're recommending and what he's requesting and that is 64 sq. ft.

Mr. Patel stated this is just a request and sometimes even when you get an arrow sign that is 64 sq. ft. that does count. If you can, great. If you can't I'll leave it on and the Planning Commission can decide.

Mrs. Yarnevich stated I'm still a little confused. We can allow him 1032 sq. ft. and he's taking up 968? So technically according to the ordinance he has 64 sq. ft. that he can use?

Mr. Andrew stated right.

Mrs. Yarnevich stated our recommendation is that he's going to put it on the Baymont sign?

Mr. Andrew stated staff's recommendation is more restrictive than what the Sign Code would allow him. The idea being that you're proposing two signs and those two signs together are 700 sq. ft. if you don't put that limitation in you can take one down and put up a bigger one.

Mrs. Yarnevich stated ok. The limitation on the pole sign is 350 sq. ft.

Mr. Andrew stated we limit the size based on the total signage allowed. He can choose how he wants to do that by wall signs or other types of signs. We were just suggesting that today we have a 250 sq. ft. pole sign and he's proposing another sign that would put us at 700 sq. ft. If you have two signs, let's cap it there. If you don't then somebody can take the Baymont sign down and put up a sign that's 64 sq. ft. bigger than the one that is there today. That may not be a large issue. He is requesting that flexibility and 64 sq. ft. is not something for us to really quibble over. That was just our recommendation to say this is what you're proposing let's cap it at that if we're going to have two signs. We're talking about a difference of 64 sq. ft.

Mr. Funk stated this access roadway off of Marcella sounds like it could be curbed or it could not be curbed. It seems to me that we should insist on it being curbed. Any recommendations?

Mr. Place stated we would recommend that it be curbed.

Mr. Funk asked do we want to add that to Item #9?

Mr. Patel stated the north side of the access road is already showing the curbing right now. All the curbing is already here. The only reason we did not do the curb on the south side right here is so if this lot would want to get access from here or here they can do that. But if the Engineering Department says Dilip put the curb here I wouldn't think it would be a big issue.

Mrs. Yarnevich stated it wouldn't be hard to cut an opening for the business that wants in.

Mr. Patel stated that is correct. It's not a big issue to put in curbing there. We are already doing that on the north side for look. I'd rather have the curbing to not having it because it looks better.

Mr. Funk stated you control your traffic and you control drainage.

Mr. Patel stated I like to have curbing. The only reason we kept it that way was so this property would have access from closer or further. That is the only reason it is that way. I can change that. It is a minor issue for me. Thank you.

Mr. Andrew stated that should really be addressed under Condition #7 which does call for the plans for roadway drainage to be reviewed and approved by the City Engineer. If you want to say that roadway drainage should consist of curbing then that would be appropriate.

Mr. Funk stated yes.

Mrs. Soderberg asked so for recommendation #14 we can add a condition. Where would a sign waiver come in there? It's not Mr. Dilip's problem.

Mr. Andrew stated probably under #1 and we would just address that all in the same place. We've worked diligently and Mr. Patel has worked diligently and there are a number of documents that because the way this is set up that Danny Huehl and the Country Oak Development group are going to have to sit down and sign to allow this to happen. That would just add one more to the list but we could certainly address that if you would like to add that to Condition #1.

Mr. Simpson stated so the developer will sign a sign waiver on Lot 3. Any other questions or comments?

Mr. Patel stated I'd like to add to that. Realistically Country Oak can not become a part of this lot unless I give an easement towards that because right now that is not part of the lot on the west. I just want you to know for your knowledge. The only way he could come on my lot is if I give him easement for signage. Otherwise there is not any easement dedicated for signage.

Mr. Andrew stated Mr. Patel actually controls that.

Mrs. Yarnevich asked we can stipulate that you can not give him an easement?

Mr. Patel stated that is correct.

Mr. Simpson asked any other further questions or comments? There appears to be none. We are ready for a motion.

MOTION: Mrs. Yarnevich stated I move we approve Application #PDD88-4H with the conditions that are set forth by the Planning Department in their report to include in Condition #1 that there will be no easement for the remainder of that lot to have any signage on I-135 and also that on Condition #7 that we require the street to be curbed on both sides for roadway drainage. Did I miss anything? Oh, and we are going to strike the 700 sq. ft. on the sign.

Mrs. Soderberg stated you are losing me with that one.

Mrs. Yarnevich asked I am, so 64 sq. ft. is an issue with you?

Mrs. Soderberg stated I think we are being generous.

Mr. Mikesell stated I think we need to draw a line some place.

Mrs. Yarnevich stated then my motion will leave the 700 sq. ft. in size in place. I have a problem with that.

Mrs. Soderberg stated it is your motion. But according to the lot we have come a long ways here with a lot of recommendations.

Mrs. Yarnevich stated the concern I have here is according to the lot specifications he can have that much signage and we've limited him to the signage proposed just so he won't make the ones bigger on I-135. If we give him 64 more square feet even to improve the Baymont sign to make it a little bit bigger how many feet is that going to be? How big is the Baymont sign?

Mr. Mikesell stated 4 ft. x 16 ft.

Mr. Patel stated 10 ft. x 25 ft.

Mrs. Yarnevich stated you're only going to be able to lower that a little bit.

Mr. Patel stated that is correct. We would only maybe add an arrow or something. That is about it. It's the 64 sq. ft. and if you add an arrow it does help. That's the only flexibility that we ask for.

Mr. Andrew stated that doesn't give us grave concern to strike the 700 sq. ft.

Mrs. Yarnevich stated in my opinion I think I'll go with the motion and strike the 700 sq. ft. and allow the full 1,032 sq. ft. I don't really have too much of a problem with that either.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded that we approve the site plan as proposed with conditions. Any further questions or comments? All in favor say "aye", opposed same sign?

VOTE: Motion carried 6-2 (Soderberg, Mikesell).

Item #5. Application #P07-3/3A, filed by the Salina Airport Authority, requesting approval of a replat of a portion of Block 5 of the Airport Industrial Center Subdivision. The subject property is located at the west end of Wall Street and Vortex Avenue west of Scanlan Avenue.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of Dean?

Mr. Mikesell asked are there any pole signs being proposed?

Mr. Andrew stated I don't think Mr. Rogers would appreciate having tall pole signs next to the runway. He might have ideas that we don't know about.

Mr. Simpson asked Mr. Rogers would you care to address the Commission?

Tim Rogers, Executive Director of the Salina Airport Authority, stated thank you Mr. Chairman and members of the Commission, Mr. Andrew did a great job on the staff report. It was very complete and there is really not much to add. I would be glad to answer any questions that the Commission might have. We do try to keep the height of some of the structures close to the runway a little lower than 70 ft. I'm thinking back here do we have our process in for the review of those signs. We'll be working with staff on those other issues. The only comment I want to make relates to the deletion of the planned taxiway in this area. The nature and character of the area has changed significantly since the area was originally platted. We have been very fortunate to have some very fine companies locate facilities in this area

and continue their growth in Salina and Saline County. The focus for aviation and aerospace jobs has focused on a north ramp redevelopment project that we have been working with staff on over the past year. We are presenting another version of that redevelopment plan to the Airport Authority Board of Directors tomorrow morning. We have identified over 100 acres at the north portion of the Airport Industrial Center that we can redevelop that will provide over 2 million square feet of space for hangars, aviation facilities, repair and overhaul and storage facilities. So this taxiway that was platted in this area is no longer needed and we will continue on with the type of manufacturing that Geoprobe Systems is constructing out there at this time. I would be glad to answer any questions. Representatives of Wilson & Company are here to answer any of those questions that I know I can't answer. Thank you very much for your consideration.

Mr. Simpson asked are there any questions of Mr. Rogers? Thank you Tim.

Mr. Rogers stated thank you.

Mr. Simpson asked does anyone else care to address this application. Seeing none we will bring it back to the Commission for discussion and action.

MOTION: Mr. Funk stated I move for approval of Application #P07-3/3A.

SECOND: Mrs. Bonilla-Baker.

Mr. Simpson stated it has been moved and seconded that we approve this replat application. Any further questions or comments? Those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #6. Application #Z07-7, filed by the Salina Planning Commission, requesting amendment of Article X Signs by adding terms and definitions to Section 42-506 of the Sign Regulations. Continued from the April 17, 2007 meeting.

Item #7. Application #Z07-8, filed by the Salina City Planning Commission, requesting a comprehensive amendment of Article VI, District Regulations, Divisions 18, 19 and 20 relating to permitted and conditional uses and development limitations in the I-1 (Industrial Park), I-2 (Light Industrial) and I-3 (Heavy Industrial) districts.

Mr. Simpson stated Items #6 & #7 look like those are for the June meeting.

Mr. Andrew stated our approach is that we always give priority to current land use proposals, replats and applications like we discussed with the motel project. Staff does give priority to those things and also to get them out prior to your meetings. For text amendments we just need to allow ourselves more time. You could take Items #6 and #7 and simply have a motion to carry those over to June 19, 2007. We do want to have a little discussion on Item #8.

MOTION: Mrs. Yarnevich stated I move we table Items #6 and #7 until the June 19th meeting.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded that we continue those items. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #8. Application #Z07-9, filed by the Salina City Planning Commission, requesting the amendment of Article V, General Bulk Regulations, by amending Section 42-83 Fences, Walls and Hedges to allow barbed wire fences in commercial zoning districts.

Mr. Andrew presented the staff report which is contained in the case file.

Mrs. Yarnevich asked what prevents somebody who plans on getting in there from using wire cutters?

Mr. Andrew stated I may defer to Mr. Gile what he thinks is the importance of doing that as a deterrent to people getting in there. I'm sure if people are really determined they can get around a lot of things. But it certainly is a deterrent to climbing compared to a normal chain link fence.

Mrs. Yarnevich asked would the same deterrent exist if you had just wire stretched across there instead of barbed wire?

Mr. Andrew stated I think it's the barbed wire that generally scares people off.

Mrs. Yarnevich stated I think it's unsightly.

Mr. Andrew stated I've driven by this property (Ace Hardware) several times and I think I recalled that it had barbed wire but I had to go out there and look at it again to confirm that there was barbed wire at the top. I think it's the case that barbed wire does present a different image if you had it everywhere than if you just had chain link.

Mrs. Soderberg asked do you think the assumption that his case here was that we need barbed wire because we have an outdoor display area and somebody is going to come over the fence.

Mr. Andrew stated I'm thinking their rationale is they wanted to deter people from thinking they can scale the fence and go in there in off hours and remove things from that area.

Mrs. Soderberg stated and Stutzman's is open to the world.

Mr. Andrew stated and in Mr. Gile's case it's the same thing. He can't be at his business or building all the time and he's offering secure storage to RV owners. And he has a building there and his rationale is the reason for the fence is to keep people out. And the barbed wire in his view is a deterrent that helps keep people out.

Mr. Mikesell stated I think obviously it's not very attractive but certainly reasonable with RV's priced up in the \$100,000 range anymore. I don't know exactly what he has sitting over there but it seems reasonable that he would want to protect those.

Mr. Simpson stated Mr. Gile you have been patiently waiting with us this afternoon. Would you like to make any comments?

Mr. Funk asked are these fences limited to 6 ft., could that be an 8 ft. fence?

Mr. Andrew stated for the most part a front yard fence is limited to 6 ft. in height but the Code makes provision that the wire, if there is any, has to be above the 6 ft. line and apparently we don't count that. The chain link can't exceed 6 ft. but we wouldn't count the wire on top of that as part of the height.

Mr. Funk asked the chain link could be more than 6 ft.

Mr. Andrew stated it could not. We could look at that also.

Mr. Funk stated that might be one solution to not having barbed wire.

Bob Gile, Big Toy Storage, 500 Clark Street, stated the reason we did this is I had a plumbing shop over on Park Street and our 6 ft. chain link fence the kids would just go right up and over the top of it. We had lots of damage over there periodically. We have motor homes and some pretty nice things over here on Clark Street and we put a 6 ft. chain link fence up with barbed wire on top and I think it has a tendency to slow them down because if they want to get in there they are going to get a few barbs in them and if they're trying to get in then they deserve to have a few barbs in them. Your County Jail and your Juvenile Detention Center they are trying to keep the crooks in and we're trying to keep them out. I've got another building behind this one here and it has been graffitied several times. They did catch the kids one time and we didn't press charges but we made them and their parents come out and clean all the doors and the sides up. When we built this here project we went with first class homes. We had another building on the other side and the only way in there is through the front. And there will be a gate with a keyed entrance and everything else on it when we get finished up.

Mrs. Soderberg stated I want you to know that building is protecting my station wagon.

Mr. Simpson stated I guess there's no other questions. I haven't really paid attention to it but with all the new storage around has anyone put barbed wire fences?

Mr. Andrew stated it's a mix. If you're over on Centennial Road there is one that does have barbed wire. We have some that have solid wood fencing. The one that went in over at Foxboro has a solid wood fence. The one that is on South 9th Street they have wrought iron and also the building serves as a fence barrier, the outside wall serves that purpose. When I first started looking at this it looked like it was a simple matter whether you go and include commercial lots or commercial areas with industrial. When you start looking at detention centers and things like that obviously the Code is probably too simple to address all of those things. The suggestion was made that maybe you should allow higher than a 6 ft. chain link in the front yard, that certainly needs to be looked at as well. But we didn't want to move off in a direction without at least getting some feedback and thoughts. If your thoughts are it should be allowed in commercial areas but with limitations we can look at what those limitations might be. Or if anywhere that is commercial that has storage that people think need to be secured. We had that question come up of Stutzman's Greenhouse at 9th and Cloud, how they were going to secure that at night. They are not doing anything there. We have worked for years with the various places like Sutherlands, Wal-Mart, Kmart that put the seasonal products out on their parking lot. The thing I noticed with Kmart this year is that they used to use the concrete and boards to set off the area and now they have the area fenced and gated so in the evening it has a 6 ft. chain link fence around it instead of just the boards and concrete piers. The thing I have observed from a security lighting and fencing standpoint is that there is more interest in that. I think the Fence Code needs to be reexamined but we wanted to get your thoughts. If the example is good for any retail then we certainly should make our code reflect what people want and need to do. If you think it's ok in some applications but not in every single commercial setting then we can try to look at it that way.

Mr. Simpson stated I think that would be a feasible way to approach it.

Mr. Andrew stated I don't think all of our commercial corridors and uses are equal and so we can try to take it from that approach or perhaps even identify particular types of commercial uses where it would be appropriate like mini-storage, RV storage, warehousing and things like that.

Mrs. Yarnevich stated outdoor storage of some kind would be what I'd have on that.

Mr. Andrew stated it wouldn't necessarily be display but certainly if you are allowed to have an outdoor storage area permanently then maybe that's an area where that would be appropriate. The Wal-Mart and Kmart examples are seasonal but not year round.

Mr. Mikesell stated I have seen barbed wire on top of fences at car dealerships in Wichita.

Mr. Simpson stated absolutely.

Mrs. Yarnevich asked once they get in can they get the car out?

Mr. Gile stated with your chain link being 6 ft. high you shouldn't have any problem with kids getting hurt on barbed wire.

Mrs. Soderberg asked is there something about 8 ft. that discourages climbing rather than 6 ft.?

Mr. Gile stated no.

Mrs. Soderberg stated ok. I didn't think so.

Mr. Andrew stated if the general consensus is you'd like us to look at that but with some limitations that is the direction we'll go.

Mr. Simpson stated I think so.

Item #9. Other matters.

Mr. Simpson asked are there any other matters?

Mr. Andrew stated Laurie has some information for you about what we have in the next room. We have some refreshments for you we hope you have a chance to partake in before you run off. We appreciate your patience running through these agenda items.

Mr. Simpson stated very good Laurie. If there is no other business then we are adjourned.

Meeting adjourned at 6:10 p.m.

Dean Andrew, Secretary

ATTEST: _____

